

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC )  
SERVICE COMMISSION OF THE )  
APPLICATION OF THE FUEL )  
ADJUSTMENT CLAUSE OF EAST ) CASE NO. 2002-00223  
KENTUCKY POWER COOPERATIVE, )  
INC. FROM NOVEMBER 1, 2001 TO )  
APRIL 30, 2002 )

O R D E R

Pursuant to Administrative Regulation 807 KAR 5:056, Section 1(11), IT IS  
HEREBY ORDERED that:

1. East Kentucky Power Cooperative, Inc. ( East Kentucky ) shall appear at  
the Commission s offices at 211 Sower Boulevard, Frankfort, Kentucky, on August 29,  
2002 at 9:00 a.m., Eastern Daylight Time, to submit itself to examination on the  
application of its fuel adjustment clause ( FAC ) from November 1, 2001 to April 30,  
2002.

2. East Kentucky shall notify its customers in writing of the date, time, place,  
and purpose of the hearing or shall publish such notice in accordance with  
Administrative Regulation 807 KAR 5:011, Section 8(5).

3. East Kentucky shall, on or before July 12, 2002, file with the Commission  
an original and 5 copies of the information set forth in Appendix B. Each copy shall be  
placed in a bound volume with each item tabbed. When a number of sheets are  
required for an item, each sheet should be appropriately indexed; for example, Item  
1(a), Sheet 2 of 6. East Kentucky shall furnish with each response the name of the

witness who will be available at the public hearing to respond to questions concerning each area of information requested. Careful attention shall be given to copied material to ensure its legibility.

4. At the scheduled hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

5. The procedural schedule set forth in Appendix A to this Order shall be followed.

6. The written direct testimony of East Kentucky's witnesses shall address, inter alia, the following issues:

a. The reasonableness of East Kentucky's fuel procurement practices during the review period.

b. Coal suppliers' adherence to contract delivery schedules during the review period.

c. East Kentucky's efforts to ensure coal suppliers' adherence to contract delivery schedules during the review period.

d. East Kentucky's efforts to maintain the adequacy of its coal supplies in light of any coal supplier's inability or unwillingness to make contract coal deliveries.

7. When any party files testimony in this proceeding, it shall file an original and 8 copies of that testimony.

8. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

9. All documents that the Commission requires any party to file with the Commission shall also be served upon all parties of record at or before the time of filing.

10. All parties shall respond to any interrogatories and requests for production of documents that Commission Staff submits in accordance with the procedural schedule set forth in Appendix A.

11. All documents that East Kentucky filed with the Commission pursuant to Administrative Regulation 807 KAR 5:056, Section 1(7) and 1(9), for the period under review are incorporated by reference into the record of this proceeding.

12. Any intervening party that wishes to file testimony in this matter shall advise the Commission in writing of its wishes and shall move for modification of the procedural schedule to permit such filing no later than August 14, 2002.

13. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

Done at Frankfort, Kentucky, this 27<sup>th</sup> day of June, 2002.

By the Commission

ATTEST:

*Wm H. Fowler*  
Deputy Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2002-00223 DATED JUNE 27, 2002

East Kentucky shall file with the Commission the direct testimony  
of its witnesses in verified prepared form and the information set forth  
in Appendix B no later than ..... 7/12/2002

Intervenors and Commission Staff may serve interrogatories  
and requests for production of documents upon  
East Kentucky no later than ..... 7/26/2002

East Kentucky shall file with the Commission responses to interrogatories  
and requests for production of documents no later than ..... 8/09/2002

Last day for East Kentucky to publish notice of hearing date ..... 8/22/2002

Public Hearing is to begin at 9:00 a.m., Eastern  
Daylight Time, in Hearing Room 1 of the Commission s  
offices at 211 Sower Boulevard, Frankfort, Kentucky,  
for the purpose of cross-examination of witnesses ..... 8/29/2002

## APPENDIX B

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2002-00223 DATED JUNE 27, 2002

1. List each written coal supply solicitation issued during the period November 1, 2001 to April 30, 2002.

a. For each solicitation provide the date of the solicitation (contract or spot), the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, state the number of vendors to whom the solicitation was sent, the number of vendors who responded, and the selected vendor. Provide the bid tabulation sheet or corresponding document that ranks the proposals. (This document shall identify all vendors who made offers.) State the reasons for each selection.

2. List each oral coal supply solicitation issued during the period from November 1, 2001 to April 30, 2002.

a. For each solicitation, state why the solicitation was not written, the date(s) of the solicitation, the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, identify all vendors solicited and the vendor selected. Provide the bid tabulation sheet or other document that ranks the proposals.

(This document shall identify all vendors who made offers.) State the reasons for each selection.

3. For the period from November 1, 2001 to April 30, 2002, list each vendor from whom coal was purchased and the quantities and nature of each purchase (e.g., spot or contract).

4. For each generating station or unit for which a separate coal pile is maintained, state for the period from November 1, 2001 to April 30, 2002 the actual amount of coal burned in tons, actual amount of coal deliveries in tons, total KWH generated, and actual capacity factor at which the plant operated.

5. List all power commitments for East Kentucky from November 1, 2001 to April 30, 2002 for (a) purchases and (b) sales. This list shall identify the electric utility, the amount of commitment in MW and the purpose of the commitment (e.g., peaking, emergency).

6. Provide a monthly billing summary for sales to all electric utilities for the period from November 1, 2001 to April 30, 2002.

7. List East Kentucky's scheduled, actual, and forced outages between November 1, 2001 and April 30, 2002.

8. List all existing fuel contracts categorized as long-term (i.e., more than one year in length). Provide the following information for each contract:

- a. Supplier's name and address;
- b. Name and location of production facility;
- c. Date when contract executed;
- d. Duration of contract;

- e. Date(s) of each contract revision, modification or amendment;
  - f. Annual tonnage requirements;
  - g. Actual annual tonnage received since the contract's inception;
  - h. Percent of annual requirements received during the contract's term;
  - i. Base price;
  - j. Total amount of price escalations to date;
  - k. Current price paid for coal under the contract (i+j).
9. a. Does East Kentucky regularly compare the price of its coal purchases with those paid by other electric utilities?
- b. If yes, state:
- (1) How East Kentucky's prices compare with those of other utilities for the review period.
  - (2) The utilities that are included in this comparison and their location.
10. What percentage of East Kentucky's coal, as of the date of this Order, is delivered by:
- a. barge?
  - b. rail?
  - c. truck?
11. a. State East Kentucky's coal inventory level in tons and in number of days supply as of April 30, 2002.
- b. Describe the criteria used to determine number of days supply.

c. Compare East Kentucky's coal inventory as of April 30, 2002 to its inventory target for that date.

d. If actual coal inventory exceeds inventory target by 10 days' supply, state the reasons for excessive inventory.

e. (1) Does East Kentucky expect any significant changes in its current coal inventory target within the next 12 months?

(2) If yes, state the expected change and the reasons for this change.

12. a. Has East Kentucky audited any of its coal contracts during the period from November 1, 2001 to April 30, 2002?

b. If yes, for each audited contract:

(1) Identify the contract.

(2) Identify the auditor.

(3) State the results of the audit.

(4) Describe the actions that East Kentucky took as a result of the audit.

13. a. Has East Kentucky received any customer complaints regarding its fuel adjustment clause during the period from November 1, 2001 to April 30, 2002?

b. If yes, for each complaint, state:

(1) The nature of the complaint.

(2) East Kentucky's response.

14. a. Is East Kentucky currently involved in any litigation with its current or former coal suppliers?

- b. If yes, for each litigation:
  - (1) Identify the coal supplier.
  - (2) Identify the coal contract involved.
  - (3) State the potential liability or recovery to East Kentucky.
  - (4) List the issues presented.
  - (5) Provide a copy of the complaint or other legal pleading that

initiated the litigation, if not previously filed with the Commission.

- c. State the current status of all litigation with coal suppliers.

15. a. During the period from November 1, 2001 to April 30, 2002, have there been any changes to East Kentucky's written policies and procedures regarding its fuel procurement?

- b. If yes,
  - (1) What were these changes?
  - (2) When were these changes made?
  - (3) Why were they made?
  - (4) Provide these written policies and procedures as changed.

c. If no, provide East Kentucky's current fuel procurement policies and procedures and the date they were last changed.

16. a. Is East Kentucky aware of any violations of its policies and procedures regarding fuel procurement that occurred prior to or during the period from November 1, 2001 to April 30, 2002?

- b. If yes, for each violation:
  - (1) Describe the violation.

(2) Describe the action(s) that East Kentucky took upon discovering the violation.

(3) Identify the person(s) who committed the violation.

17. Identify all changes in the organizational structure and personnel of the departments or divisions that are responsible for East Kentucky's fuel procurement activities that occurred during the period from November 1, 2001 to April 30, 2002.

18. a. Identify all changes that East Kentucky made during the period under review to its maintenance and operation practices that affect fuel usage at East Kentucky's generation facilities.

b. Describe the impact of these changes on East Kentucky's fuel usage.

19. a. List all intersystem sales during the period under review in which East Kentucky used a third party's transmission system.

b. For each sale listed above,

(1) Describe how East Kentucky addressed for fuel adjustment clause reporting purposes the cost of fuel expended to cover any line losses incurred to transmit its power across the third party's transmission system.

(2) State the line loss factor used for each transaction and describe how such line loss factor was determined.

20. Describe any changes that occurred during the period under review that impact East Kentucky's determination of intersystem sales line losses.